

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

SALVATORE VARSALONA

Plaintiff,

v.

CITY OF CLINTON, TENNESSEE AND  
LESLIE MILLER,

Defendants.

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No. 3:22-cv-00243

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**COMPLAINT**

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COMES the Plaintiff, Salvatore Varsalona (hereinafter “Mr. Varsalona” or “Plaintiff”), by and through counsel, sues the Defendants Leslie Miller, and the City of Clinton, Tennessee, for an amount to be proven at trial pursuant to 42 U.S.C. §1983, and state law, and for his cause of action claims and alleges as follows:

1. The Plaintiff Salvatore Varsalona is a citizen and resident of Anderson County, Tennessee.

2. The Defendant Leslie Miller is a citizen and resident of Anderson County, Tennessee. She is sued in her individual capacity.

3. The Defendant City of Clinton, Tennessee is a municipality located in Anderson County, Tennessee. At all relevant times herein, this Defendant employed Defendant Miller in its police department.

4. This court has jurisdiction to hear this cause pursuant to 42 U.S.C. §1331 and 28 U.S.C. §1343. This court has supplemental jurisdiction to hear Mr. Varsalona’s state law claims pursuant to 28 U.S.C. §1367.

5. This court has venue to hear this cause in accordance with 28 U.S.C. §1391.

6. Mr. Varsalona is a lifelong resident of Anderson County, Tennessee. He is an attorney, and a partner in the law firm of Burrell & Varsalona. At all times material herein, Mr. Varsalona enjoyed an impeccable reputation as an excellent and ethical attorney having handled a multitude of cases in his over 30 years of practicing law.

7. In this capacity, Mr. Varsalona and his law firm became counsel of record for Micki S. Dalton in the case styled In re: Conservatorship of Mattie J. Stair, Anderson County Chancery Court No. 20CO95, filed September 21, 2020. Ms. Dalton is Ms. Stair's biological daughter. Jessica Lovely-Bullock was appointed guardian ad litem October 5, 2020. All aspects of the lawsuit were appropriate including Ms. Dalton's disclosure that Ms. Stair had one son, Darryl Stair, and another daughter Leisa Martin. Appropriate addresses were also provided.

8. Mr. Varsalona previously assisted in the execution of a Durable Power of Attorney for Healthcare. The aim was to solely to aid Ms. Stair's medical and healthcare treatment.

9. The Durable Power of Attorney for Healthcare was drafted in 2016 at the request of Mr. Eugene Stair and Mattie Stair. Ms. Stair signed the instrument April 10, 2016, but the print on the form mistakenly says 2015. The document was signed by Ms. Stair and appointed Ms. Dalton as the attorney in fact. Mr. Varsalona's stamp clearly says March 31, 2020. As the Affidavit of Complaint indicates, notary stamps are provided in four-year terms. Mr. Varsalona could not have possessed a stamp with an expiration date of March 31, 2020 if the document was signed April 10, 2015. Again, as the Affidavit

of Complaint indicates, Mr. Varsalona was a notary during multiple active dates. Had Defendant Miller bothered to check the office or court file or the “Agreed Order” dated June 11, 2021 acknowledging the mistake, and that the instrument should not be relied upon because of the printed error, or investigated any exculpatory information which would have conclusively verified that Mr. Varsalona did not commit either a violation of T.C.A. 8-16-120 or T.C.A. 39-14-114, no arrest would have hopefully occurred. Further, even a cursory review of the mistakenly dated form belies any basis for Defendant Millers’ charging Mr. Varsalona with forgery.

10. On September 24, 2021, Mr. Varsalona’s office was raided, he was arrested, placed in handcuffs, transported to the Anderson County detention facility, bodily searched, booked, and incarcerated. He was forced to post a \$15,000 bond. Mr. Varsalona was eventually released and subjected to criminal prosecution. Mr. Varsalona avers that Defendant Miller arrested him for the alleged commission of a Class C misdemeanor offense of Acting after the Expiration of Commission, T.C.A. §8-16-120, and forgery, T.C.A. §39-14-114, a Class E felony. His booking photograph was posted on the internet along with his charges. After 3 settings, the District Attorney nolle prossed the case April 22, 2022, some 7 months after Mr. Varsalona’s arrest.

11. Mr. Varsalona avers that Defendant Miller arrested him without probable cause in violation of his clearly established 4th and 14th Amendment rights of the United States Constitution. Mr. Varsalona claims he had a clearly established right to be free from arrest except upon a showing of probable cause, and Defendant Miller violated this right by arresting Mr. Varsalona as described above.

12. Mr. Varsalona also avers that he was maliciously prosecuted in violation of

the 4<sup>th</sup> and 14<sup>th</sup> Amendment of the United States Constitution by Defendant Miller. Mr. Varsalona alleges that he had a clearly established right to be free from malicious prosecution by Defendant Miller and Defendant Miller violated Mr. Varsalona's rights by her aforementioned conduct.

13. Mr. Varsalona avers that the actions of Defendant Miller were the policy and custom of Defendant City of Clinton, Tennessee, and the moving force behind the violation of Mr. Varsalona's federal constitutional rights. Additionally, Defendant Miller is likewise a final policymaker of the City of Clinton, Tennessee, and therefore municipal liability exists on that basis as well.

14. Plaintiff also avers that the hereinbefore described actions constitute common law tort of false arrest, false imprisonment, and malicious prosecution by Defendant Miller. As hereinbefore described, Mr. Varsalona had a common law right to be free from arrest without probable cause, imprisoned as a result of an unlawful arrest and maliciously prosecuted in the Circuit Court for Anderson County, Tennessee.

15. The Plaintiff also avers that the City of Clinton, Tennessee is liable to him for its negligence in hiring, promoting, and supervising Defendant Miller in her investigation into Mr. Varsalona including and concluding with Mr. Varsalona's arrest and incarceration.

16. As a direct and proximate result of the action of the Defendants, Mr. Varsalona sustained a loss of income, substantial damage to his professional reputation, lost time, incurred unnecessary expenses including hiring an attorney to defend the frivolous criminal charges and paying the bonding company.

WHEREFORE, Plaintiff, Salvatore Varsalona, sues the Defendants Leslie Miller

and the City of Clinton, Tennessee, for compensatory damages, punitive damages against Defendant Miller, court costs, attorney fees, pursuant to 42 U.S.C. §1988, and further demands a jury to try this cause.

RESPECTFULLY SUBMITTED this the 20<sup>th</sup> day of September, 2022.

TAYLOR & KNIGHT, GP

/s/ Arthur F. Knight, III

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